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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/297,532 06/28/99 FAJKOWSKI

P 8958.004

EXAMINER

MMC2/0815

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ST. D
ART UNIT

PAPER NUMBER

2876
DATE MAILED:

08/15/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trad marks

Office Action Summary

Application No.
09/297,532

Applicant(s)
Peter W. Fajkowski

Examiner
Daniel St.Cyr

Group Art Unit
2876



☒ Responsive to communication(s) filed on Apr 30, 1999

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 25 and 42-52 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 25 and 42-52 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☒ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
☐ received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☐ Notice of References Cited, PTO-892

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 7

☐ Interview Summary, PTO-413

☒ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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DETAILED ACTION

1. Receipt is acknowledged of the preliminary amendments filed 6/28/99 and 9/7/99.

Claim Objections

2. Claim 43 is objected to because of the following informalities: lines 7 and 9 "capable of" should be changed to --for--; line 10 "may be" should be changed to --is--. Appropriate correction is required.

Claim Rejections - 35 U.S.C. § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 43-46, 48, and 50-52 are rejected under 35 U.S.C. 102(b) as being anticipated by Johnsen, US Patent No. 5,250,789.

Johnsen discloses a shopping card which includes an adapter for converting recorded data from a disk drive device to electrical data for wireless transmission to a storage device, said adapter comprising an adapter body, said adapter body further comprising: a keyboard, a disk drive, a scanner and/or a serial port, any of which may be used for receiving data corresponding to a shopping list. The display system is in communication with a database to obtain the store location for each item in the shopping list. An organizing program is operable in the display

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system for organizing the shopping list in order of the store location for the items on the list. A display unit is provided so that the shopper may view the list of items for purchase in order of their store location. The display system may be mounted on a shopping cart for the convenience of the shopper. A product code scanner may be provided with the display system for inputting products as they are pulled from the shelves and added to the shopping cart. When the shopper has input either a list of coupons or scanned coupons in the shopper's possession into the display system, the system is able to notify the shopper when an item selected for purchase corresponds to one of the coupons (see figures 1-3; col. 6-8).

Claim Rejections - 35 U.S.C. § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 25 and 42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ruppert et al, US Patent No. 5,424,524.

Ruppert et al disclose a personal scanner/computer for displaying shopping lists and scanning barcodes to aid shoppers comprising: broadcasting a predetermined coupon data to a specific device, wherein the signal data is modified to be received by said specific storage device (see col. 5, line 48 to col. 6, line 18). Ruppert et al fail to disclose or fairly suggest radio broadcast for broadcasting the coupon data, but disclose an infrared transceiver for

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communicating the data. The infrared transceiver is an alternate and a functional equivalent communication means for communicating the data as disclosed by the applicant (see page 12 of the specification). Therefore, it would have been obvious.

7. Claims 47 and 49 are rejected under 35 U.S.C. 103(a) as being unpatentable over Johnsen. The teachings of Johnsen have been discussed above.

Re claim 47, Official notice is taken that it is common practice in the art, such as computer art, for providing LED for indicating when a disk is inserted in a disk drive. Therefore, it would have been an obvious expedient.

Re claim 49, Johnsen fails to disclose that the telephone subcomponent includes a telephone keypad and a speaker. However, since speaker phones are well known in the art for providing hands off communication, it would have been obvious to include a speaker phone in the system of Johnsen in order to be able to communicate to a customer while the customer is picking up items from the shelf.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Daniel St.Cyr** whose telephone number is (703) 305-2656. The examiner can normally be reached between the hours of 7:30 AM to 6:00 PM Monday thru Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Donald Hajec**, can be reached on (703) 308-4075. The fax phone number for this

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Group is (703)308-5841 or (703) 308-7722.

Communications via Internet e-mail regarding this application, other than those under 35 U.S.C. 132 or which otherwise require a signature, may be used by the applicant and should be addressed to [**donald.hajec@uspto.gov**].

All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0956.

August 11, 2000


DS



THIEN M. LE
PRIMARY EXAMINER